

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RESIDENTIAL SERVICES VALIDATED
PUBLICATIONS,

Plaintiff,

- against -

BARRY R. CARUS and MICHAEL
C. MANNIELLO,

Defendants.
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PLATT, District Judge:

**MEMORANDUM
AND
ORDER**

CV-04-4556
(TCP)(ETB)

Defendants move pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's Complaint. Oral argument on this motion took place before this Court on April 1 and 15, 2005. The following questions were decided:

i) With the consent of both sides, the firm Carus & Maniello, P.C., was added as a Party-Defendant;

ii) The Plaintiff will prepare and serve on the individual Defendants an Amended Complaint setting forth his claims against the Professional Corporate Defendant and Individual Defendants;

iii) The Individual Defendants' motions to dismiss are denied without prejudice to renew at the completion of discovery; and

iv) This case is referred to United States Magistrate Judge E. Thomas Boyle to supervise any required discovery.

Defendants' motions for sanctions against Plaintiff and its counsel are **DENIED** without prejudice.

SO ORDERED.

____/S/_____
Thomas C. Platt, U.S.D.J.

Dated: Central Islip, New York
April ____, 2005